

ANTONE LAMANDINGO KNOX,)
)
 Petitioner,)
)
 v.) **Case No. CIV 19-096-RAW-KEW**
)
 TOMMY SHARP, Interim Warden,)
)
 Respondent.)

A federal court may grant habeas relief to a state prisoner “only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28

U.S.C. § 2254(a). While the facts in the petition should be treated as true, and all reasonable inferences are indulged in Petitioner's favor, *GF Gaming Corp. v. City of Black Hawk*, 405 F.3d 876, 881 (10th Cir. 2005), "it is well established that a '[petition] should not be dismissed for failure to state a claim unless it appears beyond doubt that the [petitioner] can prove no set of facts in support of his claim which would entitle him to relief,'" *Issa v. Comp USA*, 354 F.3d 1174, 1177-78 (10th Cir. 2003) (quoting *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991)).

Petitioner has presented no arguments, authorities, or specifics showing how he is in custody in violation of the Constitution or the laws or treaties of the United States. He also has failed to show how his sentence is being executed in an unconstitutional manner. Further, a request for pardon and parole records is not appropriate in a habeas petition, and the respondent, who is the interim warden of Petitioner's facility, is not the custodian of those records. Such records are property of the Oklahoma Pardon and Parole Board.

After careful review, the Court finds Petitioner has not shown he is entitled to relief. Therefore, Respondent's motion to dismiss his petition for habeas relief must be granted.

The Court further finds Petitioner has failed to make a "substantial showing of the denial of a constitutional right," as required by 28 U.S.C. § 2253(c)(2). In addition, he has not "demonstrate[d] that reasonable jurists would find [this] court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Therefore, Petitioner should be denied a certificate of appealability.

ACCORDINGLY, Respondent's motion to dismiss Petitioner's petition for a writ of habeas corpus (Dkt. 24) is GRANTED, and Petitioner is DENIED a certificate of appealability. Petitioner's motion for contempt of court (Dkt. 27) is DENIED as moot.

IT IS SO ORDERED this 6th day of February 2020.

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma